



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,775	07/24/2003	David F. Weakley	3839-002-27	7863

7590 07/19/2005

Supervisor, Patent Prosecution Services
PIPER RUDNICK LLP
1200 Nineteenth Street, N.W.
Washington, DC 20036-2412

EXAMINER

PRICE, RICHARD THOMAS JR

ART UNIT	PAPER NUMBER
----------	--------------

3643

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,775

Applicant(s)

WEAKLEY, DAVID F.

Examiner

Thomas Price

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 24-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 9-13 and 24-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

NOTE: Claims 10 and 13 were not listed in the rejection under prior art of record. This is believed to be a typo, in that, the reference to Saverslak clearly teaches the claimed subject matter in claims 10 and 13.

Election/Restrictions

In regards to Applicant's arguments concerning the election of species, the Examiner draws the Applicant's attention to claim 1, line 1, "a unitary meat product" and in claim 9, line 1, "a semi-boneless poultry". In the Applicant's specification, different species are discussed, and the Examiner draws distinction between the claimed "a unitary meat product" which contains no bones, and "a semi-boneless product" which does contain bones.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-13 and 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Saverslak U.S. Patent 3,036,922. Saverslak teaches a process of preparing a boneless cooked poultry product. More specifically, various embodiments are discussed for processing a portion of the carcass to the entire carcass into a boneless poultry product. In column 4, seventh paragraph, "the entire body is sheathed in the skin casing". Further, conventional stitching allows the product to be sealed

Art Unit: 3643

substantially with the same meat or portion or the entire boneless poultry product..

Regarding claims 11 and 12, the poultry carcass skin is broadly considered to be a wrapping as claimed by the Applicant. As for claims 10 and 25, Saverslak teaches in column 4, lines 25-33, stitching the various flaps. In regards to claims 13 and 28, Saverslak in column 4, last paragraph, discusses cooking the integral butchered cut. As for claim 24, the claimed phrase "the poultry product is shaped to resemble a fully-boned whole bird roaster", it is believed that the by leaving the wing portions attached to the meat product, allows the product of Saverslak to resemble a fully-boned whole bird roaster.

Response to Arguments

In regards to the Applicant's first argument, that the reference to Saverslak teaches removing the wing portions, is considered. However, Saverslak does not specifically mention that the wing portions are removed. The reference merely states that the "first step of the improved method, **may be** that of removing the wing portions from the carcass of the uncooked turkey". See column 3, third paragraph. The Examiner believes the operative phrase is "may be", and that the phrase does not mean that the "wing portions" must be removed. As to the Applicant's comments concerning "meat is rolled into a compact body of generally cylindrical configuration" is noted however, in column 4, sixth paragraph, the reference to Saverslak teaches "At this time, the entire meat body is ensheathed in the skin casing which maintains the shape and form thereof".

Response to Amendment

Applicant's arguments filed 05-05-2005 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Summary: Claims 9-13 and 24-28 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 571-272-6892. The examiner can normally be reached on Monday through Friday from 8:30a.m. to 5:00p.m..

Art Unit: 3643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas Price
Primary Examiner GAU: 3643

rtp